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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

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Outgoing  
C0070033  
#3365  
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December 10, 2009

Dave Shaver, Manager  
Andalex Resources, Inc.  
P.O. Box 910  
East Carbon, Utah 84520-0910

Subject: Deficiencies in Response to Division Order DO-04 (Wind-Blown Fines), Andalex Resources Inc., Wildcat Loadout, Permit # C/007/0033, Task ID #3365

Dear Mr. Shaver:

In accordance with R645-303-221, the Division has completed the Technical Review of your Response to Division Order DO-04 (Wind-Blown Fines), which was received by the Division on August 13, 2009. The Division has determined that this Application for permit change is deficient and it is being returned to you.

The deficiencies are listed as an attachment to this letter. Please address the deficiencies and resubmit the Response to Division Order DO-04 (Wind-Blown Fines) as a new application for permit change. Each deficiency identifies by their initials the member of the technical staff who identified the deficiency so that your staff can directly communicate with that individual should questions arise during preparation of your response.

JDS	Jim Smith	801-538-5262
JH	Joe Helfrich	801-538 5290
PCB	Priscilla Burton	435-613 3733

Sincerely,

James D. Smith  
Assistant Permit Supervisor

JDS/sqs

Attachment

cc: Price Field Office

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**Deficiency List**  
**Task ID # 3365**  
**Response to Division Order DO-04 (Wind-Blown Fines)**

- R645-301-331, 301-332**, The application should include a commitment not to initiate construction until after July 1<sup>st</sup> 2010 or as recommended by a Division biologist based on site conditions .[JH]
- R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284**; Appendix P, page 4 of the application needs to be revised to include broadcast seeding for the sediment pond and the coal fine removal areas. The following language is suggested: *“the areas associated with and including the sediment pond and coal fine removal as shown on plates 1A and 1B will be broadcast seeded using the interim seed mix described in figure three. Seeding will occur in the fall or as recommended by a DOGM biologist”*. [JH]
- R645-301-341.250**, The application needs to include a commitment to consult with the Division prior to final reclamation to determine the status of the site in terms of coal fine accumulation and vegetation success. [JH]
- R645-301-130, -141, -311**, Plate 29 shows the old and new right-of-way boundaries labeled as “Existing” and “Proposed” permit boundaries, respectively, but the old right-of-way boundary, i.e., the Existing Permit Boundary on Plate 29, will remain the Permit Area Boundary under the proposed amendment, and the new right-of-way boundary is not proposed to be the new permit boundary. The Permittee needs to clarify on Plate 29 that the Permit Area Boundary will still coincide with the old right-of-way boundary rather than the new right-of-way boundary. [JDS]
- R645-301-121.200**, The boundary of BLM right-of-way U-48027 is indicated by a label on Plate 16, but if there is a line on this plate that marks the boundary, it is not apparent. The label also indicates that this apparently non-existent line demarcates the Permit Area Boundary, which is not correct because the old right-of-way boundary (which is shown with a green dashed line on Plate 16) will remain the Permit Area Boundary. The Permittee must clarify these items on Plate 16. [JDS]
- R645-301-130**, The Permittee needs to update the names of the Andalex personnel listed under “In House Consulting Services” in Section R645-301-130. [JDS]
- R645-301-511.110, -542.300**, Section R534-301-510 of the MRP states that Plate 9 shows final reclamation contours and the location of the cross sections that are on Plate 10 and that from those cross sections the mass balance was developed. Plate 10 in the new submittal does not have cross sections; it is a new Reclamation Hydrology map. Cross section locations are on Plate 14, but if the old Plate 10 is removed, there will be no cross sections for mass balance calculations and Tables

II-1, II-1A, V-1 and V-1A will become meaningless.

- The Permittee must identify the “final surface configuration maps with cross sections” that show the anticipated final surface configuration for the affected area and that are the source of information used in the mass balance determinations.
- The Permittee must update the information relating to Plates 9 and 10 in Section R645-301-510, Cross Sections, Maps, and Plans on page 5-2. [JDS]

**R645-301-521.163**, Plate 1B must show that the access road from Consumers Road to the Coal Storage Area is part of the Existing Disturbed Area. [JDS]

**R645-301-521.163**, The Permittee must show the Proposed Disturbed Area Boundary on Plate 1-A; as an alternative, the sections in the MRP which state that Plate 1A shows the disturbed area can be revised to indicate Plate 1B or another plate that shows the disturbed area boundary. [JDS]

**R6345-301-731.730**, The Permittee needs to add the locations for WCW-1, WCW-2, WCW-3, and WCW-4 to Plate 2 (Plate 2A), or revise the text on the pages indicated in the following table that refer to Plate 2. [JDS]

	Section	Page
Surface water monitoring locations are shown on Plate 2.	301.330	3-14
Surface water monitoring stations are included on Plate 2.	301-510	5-1
Surface water monitoring locations are shown on Plate 2.	301-510	5-3
<i>See R645-301-723 and Plates 2A and 15.</i>	722.300	7-8

**R645-301-731.200**, Sections R645-301-711.300, -723, and -731.200 refer to Section R645-301-512.240 for Water Monitoring information. Prior to this amendment, Section 512.240 did contain Water Monitoring Plans, including Tables V-10 and V-11 that listed the parameters and monitoring protocol; however, all that information will be removed from the MRP with this amendment. The revised Section R645-301-512.240 does not contain any information on water monitoring; it does refer to Appendix R, but Appendix R does not contain information on water monitoring, either. It is not evident where information on water monitoring will be located in the revised MRP, if it is in the MRP at all. The Permittee must include a clear and concise water monitoring plan in the revised MRP, including a Reclamation Monitoring Plan. [JDS]

**R645-301-121.200**, Measures to prevent drainage from refuse materials into surface water and ground water are described in section 512.230. Drainage from the refuse pile reports to sedimentation Pond F via ditches D-32, -33, and 34 (Plate 2A); however, Section R645-301-512.230 states that “...Drainage from the [coal processing waste] pile is carried to Pond F via disturbed ditch D-17, which is sized to carry runoff from the pile from a 100 year - 6 hour event as required. (See Table IV-13)”. [JDS]

- ditch D-17 reports to Pond C, north of the Coal Storage Area – not Pond F, and
- there is no Table IV-13 in the MRP.

The Permittee must correct these statements. [JDS]

**R645-301-121.200, -542,** In the discussion on reclamation in Section 240 (Phase I on page 2-16 and Phase II on page 2-19), Section 242.310, and Section 541 (Phase I on page 5-109 and Phase II on page 5-112 and page 5-116), the Permittee needs to add reclamation of Pond G and remove reclamation of Pond B. [JDS]

**R645-301-761, -763.200, -764, -121.200,** The Permittee needs to clarify on Plate 10 that the 2-celled Permanent Impoundment will be left in place for final reclamation: Plate 10 indicates that it will be removed, but the text in the MRP and Plate 9 indicate that it will remain in place at final reclamation. [JDS]

**R645-301-121.200,** Section 711.100 makes reference to Figure VII-1, a generalized stratigraphic section; this figure will be removed from the MRP upon approval of this amendment. The Permittee must provide valid reference for this stratigraphic information. [JDS]

**R645-301-121.200,** Section 645-301-510 makes two references to Figure VII-2; this Figure will be removed from the MRP with approval of this amendment. The Permittee must provide valid references to maps that show the surface and receiving waters, Garley Spring, and the roads. [JDS]

**R645-301-112.600,** The BLM Right of Way (U-48027) is incorrectly identified on Plate 16. [PWB]

**R645-301-115.300 and R645-301-121,** Plate 16 shows the Consumer's Road crossing the permit area, but incorrectly shows this road becoming a State Hwy 139. This is a county road that was recently upgraded with county funds. Please correct all Plates to remove the State Hwy designation. • Please correct the narrative Section R645-301-115.300 to state that the Consumers and Trestle public roads are within 100 ft of the disturbed area boundary. [PWB]

**R645-301-121.100,** The disturbed area described in this application and shown on Plate 1A will extend slightly beyond the bonded area shown on existing Plate 1 (0.4 acre in the southeast corner). Revised Plate 1 must include the designation of the bonded area as it is referred to in the Reclamation Agreement. [PWB]

**R645-303-212 and R645-301-121.200,** Please clarify whether the disturbed area will

increase from 60.94 acres to 72.94 acres (MRP, Section 645-301-212) or to 73.26 acres (MRP Section R645-301-510, p.5-2 and Plate 1B) or to 75.33 disturbed acres (R645-301-242). • Please verify that topsoil will be removed from all disturbed areas shown on Plate 1B. [PWB]

**R645-301-234.230**, Establishment of vegetation on topsoil piles at this site has previously required two seedings. Therefore, stabilization of topsoil stockpiles should include the application of wood fiber hydromulch after or with seeding. Wood fiber mulch and tackifier application is an accepted practice that would enhance the ability of the seed to stick to the topsoil pile slopes and would protect the soil from erosion during seed establishment. [PWB]

**R645-301-121.200**, Section R645-301-423.200 refers to Appendix V for the fugitive dust control plan. Please correct this typo, since the information is found in Appendix B. [PWB]

**R645-301-553**, [PWB] Reclamation discussion in Chapter 2 Section R645-301-240 requires updating to remove references to pond B and to add describe reclamation of sediment pond G. [PWB]

**R645-301-240 and -121.100**, Acreage to be topsoiled reported on page 2-5 should agree with that reported on page 2-21 of the application. • The headings in the final seed mix table provided in Section R645-301-240 should be checked for accuracy. • A commitment in the plan should establish that prior to reclamation, the final seed mix will be re-evaluated for correlation with successful species establishment on the spoil and topsoil test plots and topsoil stockpiles. [PWB]

**R645-301-244**, Gouges are described as 18 in. deep x 2 - 3 ft. wide, spaced 6 – 10 feet apart (Section R645-301-240). On such a gentle slope, the gouges will serve less to control erosion and more to provide for water collection. The problems with creating gouges in this manner are that the gouges will be deeper than replaced topsoil and the topsoil that is removed from the gouge becomes a mound adjacent to the gouge, with steep slopes that will not retain seed, and the gouge may expose compacted fill soil. Gouging will be used during operations to promote vegetation growth in the drop zone and to collect coal fines. This method could be alternated with ripping of the surface to a depth of 12 inches and both measures could be qualitatively evaluated for success at final reclamation. The Permittee could commit to using the most effective roughening technique (either ripping or gouging at final reclamation). [PWB]